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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

THOMAS E. PEREZ,)	Case No. CV _____
Secretary of Labor,)	
United States Department of Labor,)	
)	COMPLAINT FOR VIOLATIONS
Plaintiff,)	OF THE FAIR LABOR
v.)	STANDARDS ACT
)	
CORLEONE'S PHILLY STEAK, LLC,)	
an Arizona corporation; CORLEONE'S)	
PHILLY STEAK PART TWO, LLC, an)	
Arizona corporation; JERRY SALKO,)	
an individual; GIOVANNI CARANCI,)	
an individual; ANDREW BAKER, an)	
individual.)	
Defendants.)	

Plaintiff, THOMAS E. PEREZ, Secretary of Labor, United States
Department of Labor ("Plaintiff" or the "Secretary"), brings this action to enjoin
defendants CORLEONE'S PHILLY STEAK, LLC, an Arizona corporation;
CORLEONE'S PHILLY STEAK PART TWO, LLC, an Arizona corporation;
JERRY SALKO, an individual; GIOVANNI CARANCI, an individual; ANDREW
COMPLAINT FOR VIOLATIONS OF THE FLSA

1 BAKER, an individual (collectively, “Defendants”) from violating the provisions
2 of Sections 7, 11, and 15 of the Fair Labor Standards Act of 1938, as amended (29
3 U.S.C. §§ 201, et seq.) (hereinafter called “FLSA” or the “Act”), pursuant to
4 Section 17 of the Act; and to recover unpaid compensation owing to Defendants’
5 employees, pursuant to Section 16(c) of the Act.

6 **I**

7 Jurisdiction of this action is conferred upon the Court by Sections 16(c) and
8 17 of the Act and 28 U.S.C. § 1345.

9 **II**

10 a. Defendant CORLEONE’S PHILLY STEAK, LLC (“Corleone’s”) is and at
11 all times hereinafter mentioned was an Arizona corporation with offices and places
12 of business located at 1640 E. Camelback Rd., Ste. 140, Phoenix, AZ, 85016 and
13 15040 N. Northsite Blvd., Scottsdale, AZ, 85250, within the jurisdiction of this
14 Court, and is, and at all times hereinafter mentioned was engaged in business as a
15 restaurant specializing in submarine sandwiches.

16 b. Defendant CORLEONE’S PHILLY STEAK PART TWO, LLC
17 (“Corleone’s Two”) (Corleone’s and Corleone’s Two hereafter collectively
18 referred to as “Corporate Defendants”) is and at all times hereinafter mentioned
19 was an Arizona corporation with an office and a place of business located at 10637
20 N. Tatum Blvd., Phoenix, AZ, 85032, within the jurisdiction of this Court, and is,
21 and at all times hereinafter mentioned was engaged in business as a restaurant
22 specializing in submarine sandwiches.

23 c. Defendant JERRY SALKO, an individual, resides within the jurisdiction of
24 this Court, and at all times hereinafter mentioned acted directly or indirectly in the
25 interest of the Corporate Defendants in relation to their employees.

1 c. Defendant GIOVANNI CARANCI, an individual, resides within the
2 jurisdiction of this Court, and at all times hereinafter mentioned acted directly or
3 indirectly in the interest of the Corporate Defendants in relation to their employees.

4 d. Defendant ANDREW BAKER, an individual, resides within the jurisdiction
5 of this Court, and at all times hereinafter mentioned acted directly or indirectly in
6 the interest of the Corporate Defendants in relation to their employees.

7 **III**

8 Corporate Defendants are and at all times hereinafter mentioned were
9 engaged in related activities performed through unified operation or common
10 control for a common business purpose, and are and at all times hereinafter
11 mentioned were an enterprise within the meaning of Section 3(r) of the Act.

12 **IV**

13 Corporate Defendants at all times hereinafter mentioned were an enterprise
14 engaged in commerce or in the production of goods for commerce within the
15 meaning of Sections 3(s)(1)(A) the Act in that said enterprise at all times
16 hereinafter mentioned had employees engaged in commerce or in the production of
17 goods for commerce, or employees handling, selling, or otherwise working on
18 goods or materials that have been moved in or produced for commerce by any
19 person and in that said enterprise has and has had an annual gross volume of sales
20 made or business done of not less than \$500,000.00.

21 **V**

22 Defendants CORLEONE'S PHILLY STEAK, LLC; CORLEONE'S
23 PHILLY STEAK PART TWO, LLC; JERRY SALKO; GIOVANNI CARANCI;
24 and ANDREW BAKER, violated the provisions of Sections 7 and 15(a)(2) of the
25 FLSA, 29 U.S.C. §§ 207 and 215(a)(2), respectively, by employing employees

1 who in workweeks were engaged in commerce or in the production of goods for
2 commerce, or who were employed in an enterprise engaged in commerce or in the
3 production of goods for commerce, within the meaning of the Act, as aforesaid, for
4 workweeks longer than forty hours from at least March 19, 2012 through and
5 including March 16, 2015 ("Subject Period") without compensating said
6 employees for their employment in excess of forty hours per week during such
7 workweeks at rates not less than one and one-half times the regular rate at which
8 they were employed.

9 VI

10 Defendants CORLEONE'S PHILLY STEAK, LLC; CORLEONE'S
11 PHILLY STEAK PART TWO, LLC; JERRY SALKO; GIOVANNI CARANCI;
12 and ANDREW BAKER, violated the provisions of Sections 11(c) and 15(a)(5) of
13 the FLSA in that they failed to make, keep, and preserve adequate and accurate
14 records of employees and the wages, hours and other conditions and practices of
15 employment maintained by them as prescribed by regulations duly issued pursuant
16 to authority granted in the FLSA and found in 29 C.F.R. Part 516.

17 VII

18 During the Subject Period, Defendants CORLEONE'S PHILLY STEAK,
19 LLC; CORLEONE'S PHILLY STEAK PART TWO, LLC; JERRY SALKO;
20 GIOVANNI CARANCI; and ANDREW BAKER, violated the above-described
21 provisions of the FLSA.

22 Judgment permanently enjoining and restraining such violations of the
23 FLSA is specifically authorized by Section 17 of the FLSA, 29 U.S.C. § 217.

24 WHEREFORE, cause having been shown, the Secretary prays for a
25 judgment against Defendants as follows:

1 a. For an Order pursuant to Section 17 of the Act, permanently enjoining and
2 restraining Defendants CORLEONE'S PHILLY STEAK, LLC; CORLEONE'S
3 PHILLY STEAK PART TWO, LLC; JERRY SALKO; GIOVANNI CARANCI;
4 and ANDREW BAKER, their officers, agents, servants, employees, and those
5 persons in active concert or participation with them from prospectively violating
6 the aforementioned provisions of Section 15 of the Act; and

7 b. For an Order:

8 i. pursuant to Section 16(c) of the Act finding Defendants liable for unpaid
9 compensation due Defendants' employees and for liquidated damages equal in
10 amount to the unpaid compensation found due Defendants' employees listed in the
11 attached Exhibit A (additional back wages and liquidated damages may be owed to
12 certain employees presently unknown to the Secretary for the period covered by
13 this Complaint); or in the event liquidated damages are not awarded;

14 ii. pursuant to Section 17 of the Act enjoining and restraining Defendants, their
15 officers, agents, servants, employees and those persons in active concert or
16 participation with Defendants, from withholding payment of unpaid back wages
17 found to be due Defendants' employees and pre-judgment interest computed at the
18 underpayment rate established by the Secretary of Treasury pursuant to 26 U.S.C.
19 § 6621;

20 c. For an Order awarding the Secretary the costs of this action; and

21 d. For an Order granting such other and further relief as the Court deems to be
22 necessary or appropriate.

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1 Dated: Aug. 31, 2015

M. PATRICIA SMITH
Solicitor of Labor

3 JANET M. HEROLD
4 Regional Solicitor

5 SUSAN SELETSKY
6 Counsel for FLSA

7 /s/ Grace A. Kim
8 GRACE A. KIM
9 Trial Attorney

10 U.S. DEPARTMENT OF LABOR
11 Attorneys for Plaintiff

EXHIBIT A

<u>No.</u>	<u>Employee</u>
1	Becerra, Miguel
2	Beruman, Eric
3	Contreras, Sergio
4	Hatch, Joslyn
5	Hernandez Sanchez, Saul
6	Katz, Elliot
7	La Rocca, Joey
8	Mancuso, Corey
9	Molina, Jorge
10	Montejano, Ignacio
11	Ortiz, Jorge
12	Renteria, Jesus
13	Rios Teja, Jose
14	Sanchez, Alexander
15	Shostak, Nicholas
16	Upton, David
17	Villeraldo, Jose